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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: OTZHAK OFEK, ET AL

Serial No: 09/916,486

Filed: July 27, 2001

For: ANTI-MICROBIAL-ADHESION
FRACTION DERIVED FROM VACCINIUM

Examiner: Celsa, Bennett M.

Group Art Unit: 1639

Attorney Docket No: 2290.00123

RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This is in response to the Office Action dated August 5, 2003. Applicants hereby petition for an extension of time to respond to the outstanding Office Action for one (1) month. Enclosed herewith is a check in the amount of \$110.00 in payment therefor.

Restriction to one of the following Groups was required under 35 USC §121:

- I. Claims 1 and 16-21, drawn to a pharmaceutical composition, class and subclass will depend on the active ingredients.
- II. Claim 2, drawn to a method of treatment, class and subclass will depend on the compound/composition used to treat.
- III. Claims 22-23, drawn to a method of isolating a water extract, class and subclass will depend on the compound being isolated.

Applicants provisionally elect Group I, claims 1, 16-21 for

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prosecution purposes, with traverse. Applicants hereby conditionally withdraw claims 2 and 22-23 from prosecution, without prejudice, and request reconsideration of the restriction requirement.

Applicants traverse the restriction requirement based on the following grounds. It is respectfully submitted that the restriction requirement practice was established to promote efficiency of prosecution in the Patent Office. Claim 2 is a method of treatment claim relating to a specific use of the composition as set forth in claim 1. Since the composition of claim 1 is used in the method of claim 2, it is respectfully submitted that examination of the claims in both Group I and II in a single application would be efficient, thereby promoting the grounds for the establishment of the restriction requirement practice. Further, as claim 2 specifically recites that the method includes administering the composition of claim 1 it is respectfully submitted that the claims are so closely related so as to be effectively prosecuted in a single application. Hence, it is respectfully submitted that restriction should not be required and that Applicants have traversed the restriction requirement. However, as stated above, Applicants have elected the claims of Group II and provisionally have withdrawn claims 1 and 16-23, without prejudice, pending reconsideration of the restriction requirement.

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The application is now in condition for allowance, which allowance
is respectfully solicited.

Respectfully submitted,

KOHN & ASSOCIATES, PLLC



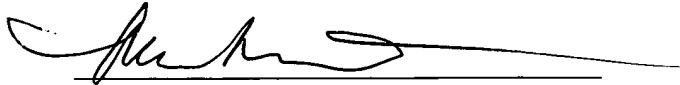
Amy E. Rinaldo
Registration No. 45,791
30500 Northwestern Hwy
Suite 410
Farmington Hills, MI 48334
(248) 539-5050

Dated: September 24, 2003

CERTIFICATE OF MAILING

Express Mail Mailing Label No.: EL 976 237 015 US
Date of Deposit: September 24, 2003

I hereby certify that this correspondence is being deposited with the United States Postal Service as "Express Mail Post Office To Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231.



Marie M. DeWitt